



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 12, 2005	CONTACT/PHONE James Caruso 805-781-5702	APPLICANT Mary Matakovich	FILE NO. CO05-0183 SUB2004-00379
EFFECTIVE DATE September 26, 2005			
SUBJECT Request by Mary Matakovich for a Vesting Tentative Parcel Map / Coastal Development Permit to subdivide an existing 8,083 square foot parcel into three parcels of 1,478, 1,345, and 1,618 square feet each for the purpose of sale and development and one common lot of 3,642 square feet and construction of three residential dwelling units of 1,645 square feet each. The project will result in the disturbance of approximately 6,640 square feet of an 8,083 square foot parcel. The proposed project is within the Residential Multi-Family land use category and is located at 250 Laurel Street, in the community of Avila Beach. The site is in the San Luis Bay (Coastal) planning area.			
RECOMMENDED ACTION Approve the Vesting Tentative Parcel Map / Coastal Development Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D.			
ENVIRONMENTAL DETERMINATION The proposed project is consistent with the Avila Beach Specific Plan EIR.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archeologically Sensitive Area	ASSESSOR PARCEL NUMBER 076.201.078	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Water Authorization; LOS; View Protection; Storm Drainage; Avila Beach Specific Plan.			
LAND USE ORDINANCE STANDARDS: Multi-Family Dwelling; Parking.			
EXISTING USES: Vacant.			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-family <i>East:</i> Residential Multi-family <i>South:</i> Residential Multi-family <i>West:</i> Residential Multi-family			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Council, Public Works, Environmental Health, CDF, Avila Community Services District, APCD, County Parks, California Coastal Commission, RWQCB, Community Liaison Ryan Hostetter.			
TOPOGRAPHY: Moderately sloping from South to North.		VEGETATION: Scattered oaks, fruit trees, ornamentals.	
PROPOSED SERVICES: Water supply: Avila Beach CSD Sewage Disposal: Avila Beach CSD Fire Protection: Avila Beach Fire Dept.		ACCEPTANCE DATE: May 24, 2005.	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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PROJECT DESCRIPTION:

The applicant requests a Vesting Tentative Parcel Map and Development plan to subdivide an existing parcel of 8,083 square feet into three parcels: Parcel 1 at 1,390 square feet, Parcel 2 at 1,256 square feet, Parcel 3 at 1,618 square feet; and a common lot of 3,820 for sale and development.

The development will consist of a total of three units. Two units, each 1,645 square feet, will connect and share a common wall. One unit, also 1,645 square feet, will stand alone. Each unit will be two-story, with a two-car garage on the lower level, three bedrooms (on either level), and two-and-a-half baths.

Total area of paving and structures will be 5,375 square feet (approx. 67% of the total site) and total landscaping will be 2,708 square feet (approx. 33%). Setbacks include: front at 36 feet, right at 18 feet, left at 5 feet, back at 10 feet. The height of the units is 25 feet from average natural grade.

South of the units in a portion of the common lot will be an 18-foot wide access easement. At the end (west) will be two uncovered guest parking spots.

SETTING:

The proposed development is located at the end of Laurel Lane in the community of Avila Beach. The lot is gently to moderately sloping from west to east. The west side of the parent parcel contains an open area of rock outcrops and oak trees to be preserved.

Surrounding developments consist of multi-family units. An affordable housing development of 33 units is located to the north of the site. East and south of the site are existing multi-family development.

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.04.028 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square feet parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0 and 15%	6,000 square feet
Water Supply and Sewage Disposal	Avila Beach Community Services District	6,000 square feet

Planned Development

Pursuant to 23.04.028 of CZLUO, the external parcel must be at least 6,000 square feet in size. The common external parcel in this case is 8,083 square feet and complies with this requirement. A plan development must also meet the standards of CZLUO Section 23.04.084.

Multi-Family Housing Requirements

CZLUO section 23.04.084 contains intensity and density standards for proposed multifamily projects. The proposed project complies with the medium intensity factors and is therefore consistent with this section of the CZLUO:

Maximum Floor Area Allowed:	48% of site area = 8,083 x .48 =	3,880 sq. ft
Maximum Floor Area Proposed:		3,880 sq. ft.
Minimum Open Area Required:	45% of site area = 8,083 x .45 =	3,637 sq. ft.
Minimum Open Area Proposed:		5,095 sq. ft

Parking

Resident parking for multi-family development is 2 per three or more bedrooms. The proposed developments have three bedrooms each and are consistent with this section in CZLUO:

<i>Minimum Require Parking Spaces:</i>	<i>2 per 3+ bedrooms; 3 units = 6 spaces</i>
<i>Parking Spaces Proposed:</i>	<i>2 spaces per unit X 3 units = 6 spaces</i>

Guest parking for multi-family development is one space plus an additional space for each four units. The proposed development provides two guest parking spaces in compliance with this requirement.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

PLANNING AREA STANDARDS:

Water Authorization

1. Submittal of a "will-serve" letter from the Avila Water District is require prior to issuance of any building permits for construction proposed to have water service.

Avila Beach CSD has given preliminary approval for water and sewer service. A condition has been added concerning "will-serve" letters for water and sewer service, prior to issuance of a building permit.

Avila Beach Drive and San Luis Bay Drive LOS

2. The Level of Service (LOS) for Avila Beach Drive and San Luis Bay Drive shall be based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year.

According to County Public Works Department, traffic is still under the threshold.

Avila Beach Specific Plan

The Avila Beach Specific Plan has been adopted by the Board of Supervisors and the California Coastal Commission. The San Luis Bay Area Plan development standards are now reflected in the Specific Plan. The proposed project is located in the Residential Multifamily land use category. The proposed project must be found consistent with the Specific Plan standards applicable in this area.

- ***Density:*** *The Specific Plan allows for a density in the RMF areas of 15 units/acre. Higher densities are allowed under the following conditions:*
 - a. No greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units/acre.*
 - b. The mass and design character of the project would be consistent with that of the adjacent parcels.*
 - c. All other design guidelines and standards applicable to RMF development are met.*

The subject project proposes a density of 16 units per acre, which complies with the density requirements of the Specific Plan. The project does not further obstruct public view or solar access. The mass and design character of the project is consistent with the surrounding RMF units. All design guidelines and standards applicable to RMF development have been met.

- ***Setbacks:*** *Front setback requirements shall be consistent with other parcels with a minimum of 25 feet.*

This site is located on Laurel Street. There are no similar front setbacks on adjacent development. The proposed front setback is an area of oak woodland and rock outcrops that require the buildings to be setback 33 feet from Laurel Street.

- **Building Height:** *The Specific Plan allows building heights of 20 feet measured from average natural grade. Building heights of up to 25 feet are allowed under certain circumstances:*
 - a. *No greater obstruction of public views and no greater limitation of solar access to adjacent properties would occur.*
 - b. *The building has a pitched roof with a slope greater than 2.5 in 12 and the additional height above 20 feet is used to achieve this pitch.*

The project does not further obstruct public view or solar access. The units have a pitched roof with a slope greater than 2.5.

- **Parking Requirements:** *Guest parking spaces are required at 0.25 spaces per dwelling unit.*

The project proposes two guest spaces for three dwelling units which meets this requirement.

- **Oak Woodland Preservation:** *New construction shall not result in the removal of any native tree with a diameter at breast height greater than 6 inches; new construction must be set back five feet from the dripline of any native tree to be preserved; and no grading or construction activities may occur within the area defined by the dripline of any native tree to be preserved. Removal of a limited number of native trees may be permitted if it would not reduce the area of the canopy by more than 15%. Trees removed shall be replaced at a rate of four trees for every one removed.*

COMBINING DESIGNATIONS:

Archeologically Sensitive Area: the subject parcel is located within an archeologically sensitive area. Archeologist Thor Conway conducted a Phase 1 surface survey which produced no presence of cultural resources. No additional studies were recommended.

ENVIRONMENTAL DETERMINATION:

A Final Environmental Impact Report was certified by the Board of Supervisors for the Avila Beach Specific Plan on April 11, 2000. Pursuant to California Environmental Quality Act Guidelines Section 15184, an EIR prepared for a Specific Plan can be used for a project that is determined to be consistent with that Plan. No significant impacts of the project have been identified and pursuant to CEQA Guidelines section 15183, no project specific mitigation measures are necessary. The mitigation measures identified in the certified Final EIR prepared for the Specific Plan are adequate. A recommended finding has been included in Exhibit A to reflect the use of the Final EIR prepared for the Specific Plan.

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COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Beach Sub-Committee addressed the 6-foot setback between two of the proposed buildings. The CZLUO generally requires a 10-foot separation between buildings. The proposed parcel map divides the parcel into three units on three separate lots; however, the applicant acknowledges the request by the AVSC and the setback is now 10 feet between the buildings.

AGENCY REVIEW:

Public Works - Concerned about drainage.

Environmental Health - Request stock water and sewer conditions.

CDF - Standard requirements.

Avila Beach Community Services District - Issued a preliminary "will-serve" letter.

California Coastal Commission - No comments received.

LEGAL LOT STATUS:

The subject lots were legally created by lot line adjustment and certificates of compliance at a time when that was a legal method of creating lots.

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DEVELOPMENT PLAN FINDINGS - EXHIBIT A

CEQA

- A. Pursuant to Section 15183 of the CEQA Guidelines, the proposed project has been found to be consistent with the development density adopted in the Avila Beach Specific Plan for which a Final EIR was certified by the Board of Supervisors on April 11, 2000. There are no project-specific significant effects which are peculiar to the project or its site. Furthermore, the mitigation measures identified in the certified Final EIR prepared for the Specific Plan shall be implemented for this project as applicable.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the use does not generate activity that presents a potential threat to the surrounding property and buildings.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is will pay road fees.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not located near the shoreline.

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DEVELOPMENT PLAN CONDITIONS - EXHIBIT B

Approved Development

1. This approval authorizes the:
 - a. Paving of an 18-foot wide access easement;
 - b. Grading of the site in accordance with the conceptual grading plan using Best Management Practices;
 - c. Construction of three multi-family dwellings of 1,645 square feet, as shown on the approved site plan and a 3,642 common space.
2. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

Building Height

3. Building heights shall not exceed 25 feet measured from average natural grade and shall substantially conform to the height shown on the approved plans. **Prior to roof nailing inspection**, the applicant shall provide a certificate from a registered land surveyor or licensed civil engineer that the structure does not exceed the approved building height.

Fire Safety Plan

4. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from CDF.

Will-Serves

5. **Prior to the issuance of any permit**, the applicant shall submit a final water will serve letter from the Avila Beach Community Services District
6. **Prior to the issuance of any permit**, the applicant shall submit a final sewer will-serve letter from the Avila Beach Community Services District.

Grading and Drainage

7. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan to the County Engineer for review and approval. The plan shall incorporate Best Management Practices to handle the runoff from the site and shall comply with the requirements of the Avila Beach Specific Plan.

Avila Beach Specific Plan

8. The final design of the project shall be consistent with the Avila Beach Specific Plan.

Street Improvements

9. Street improvements shall be consistent with the provisions of the Avila Beach Specific Plan.

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Archaeology

10. Prior to issuance of a demolition permit, the applicant shall submit a Cultural Resource Protection Plan prepared by an archaeologist approved by the County, to the Department of Planning and Building for review and approval. The Plan shall, at a minimum, provide for investigation of areas currently inaccessible due to existing improvements and identify exclusion areas and other mitigation measures.
11. All grading and earth disturbing activities on and off the subject property (e.g. any road improvements, utility line construction, etc.) shall be monitored by a qualified archaeologist.

Road Fees

12. **Prior to issuance of a building permit**, Avila Beach road fees will be collected.

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TENTATIVE MAP FINDINGS - EXHIBIT C

CEQA

- A. Pursuant to Section 15183 of the CEQA Guidelines, the proposed project has been found to be consistent with the development density adopted in the Avila Beach Specific Plan for which a Final EIR was certified by the Board of Supervisors on April 11, 2000. There are no project-specific significant effects which are peculiar to the project or its site. Furthermore, the mitigation measures identified in the certified Final EIR prepared for the Specific Plan shall be implemented for this project as applicable.

Tentative Map Findings

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the residential multi-family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size of 6,000 square feet set by the Coastal Zone Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for three parcels and an open space/development of multi-family dwellings.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support multi-family dwellings.
- G. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the use does not generate activity that presents a potential threat and has been found to be consistent with the Avila Beach Specific Plan EIR.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Archeological Sensitive Area

- J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no resources were found during a Phase 1 archeological survey nor are resources expected to be found.

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CONDITIONS - EXHIBIT D
CONDITIONS OF APPROVAL FOR CO 05-0183 Matakovich
County File Number SUB2004-00379

Approved Project

1. This approval authorizes the division of one 8,083 square foot parcel into three parcels of 1,478, 1,345, 1,618 square feet each and one common lot of 3,642 square feet

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Laurel Street shall be widened and constructed to a A-1 with road side swale section within a 47-foot dedicated right-of-way fronting the property.
 - b. Laurel Street shall be constructed to a 2/3 A-1 section from the property to San Luis Steed (minimum paved width to be 18 feet).
3. A private easement shall be reserved on the map for access to lots one through three.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

6. Submit complete drainage calculations to the Department of Public Works for review and approval.
7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

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Utilities

9. Electric and telephone lines shall be installed underground or overhead.
10. Gas lines shall be installed.
11. Cable T.V. conduits shall be installed on the street.

Vector Control and Solid Waste

12. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet CZLUO requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Additional Map Sheet

13. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. **The additional map sheet shall be recorded with the final parcel map.** The additional map sheet shall include the following:
 - a. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans prior to permit issuance.

Covenants, Conditions and Restrictions

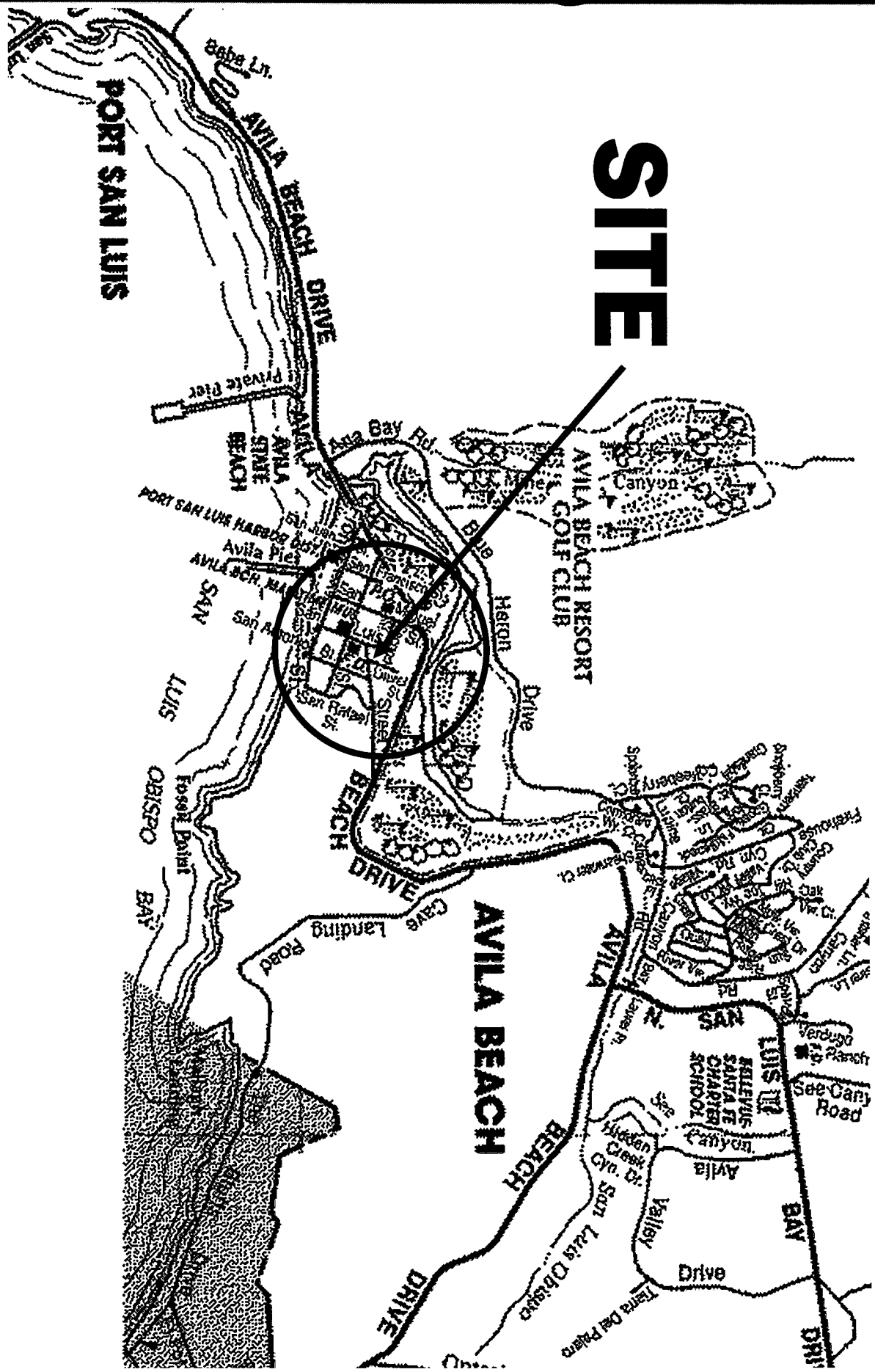
14. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. On-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity if a basin is required.
 - b. Maintenance of common areas.

Miscellaneous

15. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
16. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

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SITE



PROJECT

Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379

EXHIBIT

Vicinity Map

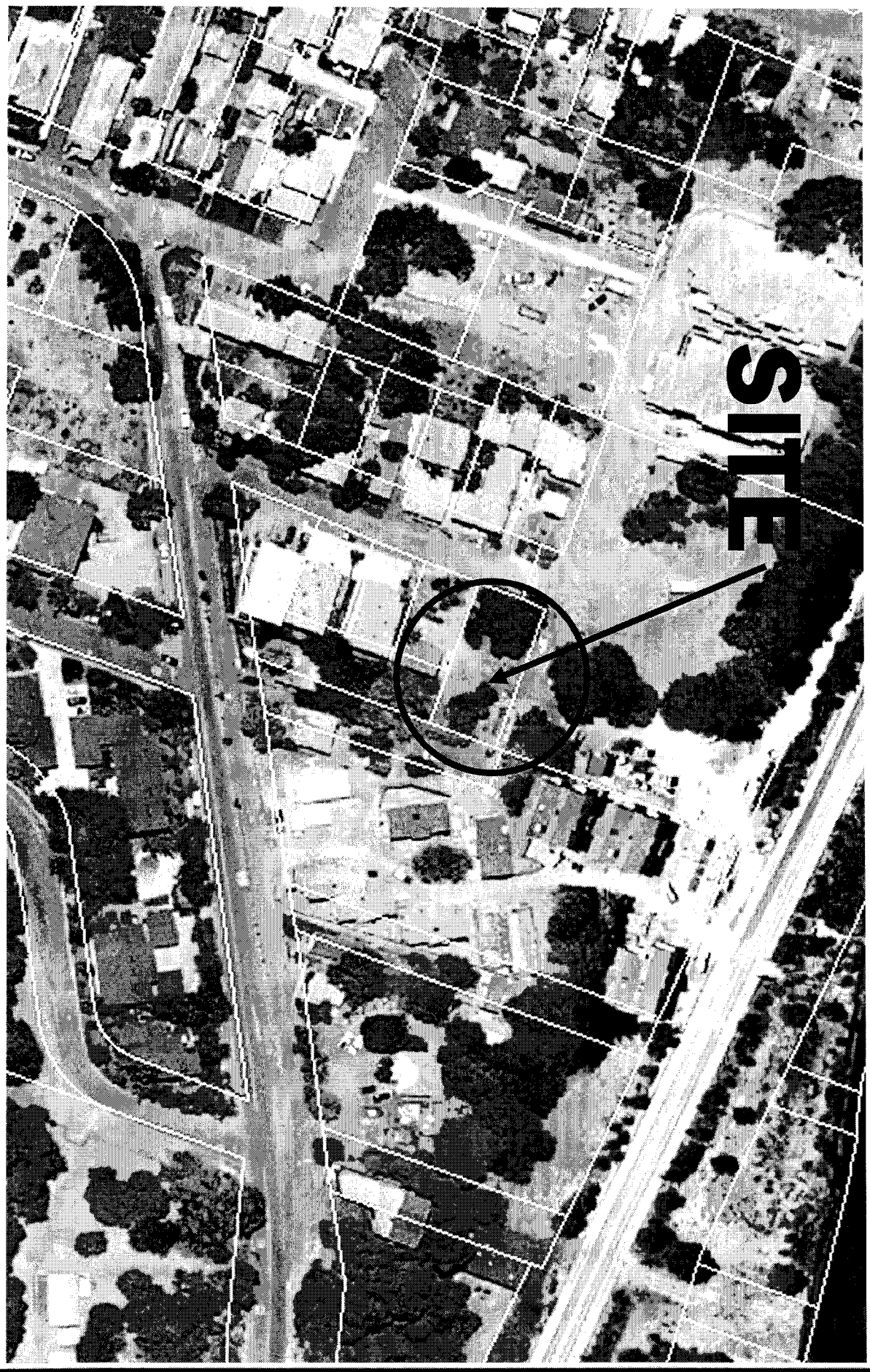




EXHIBIT _____
Land Use Category Map

12-15

SITE



PROJECT

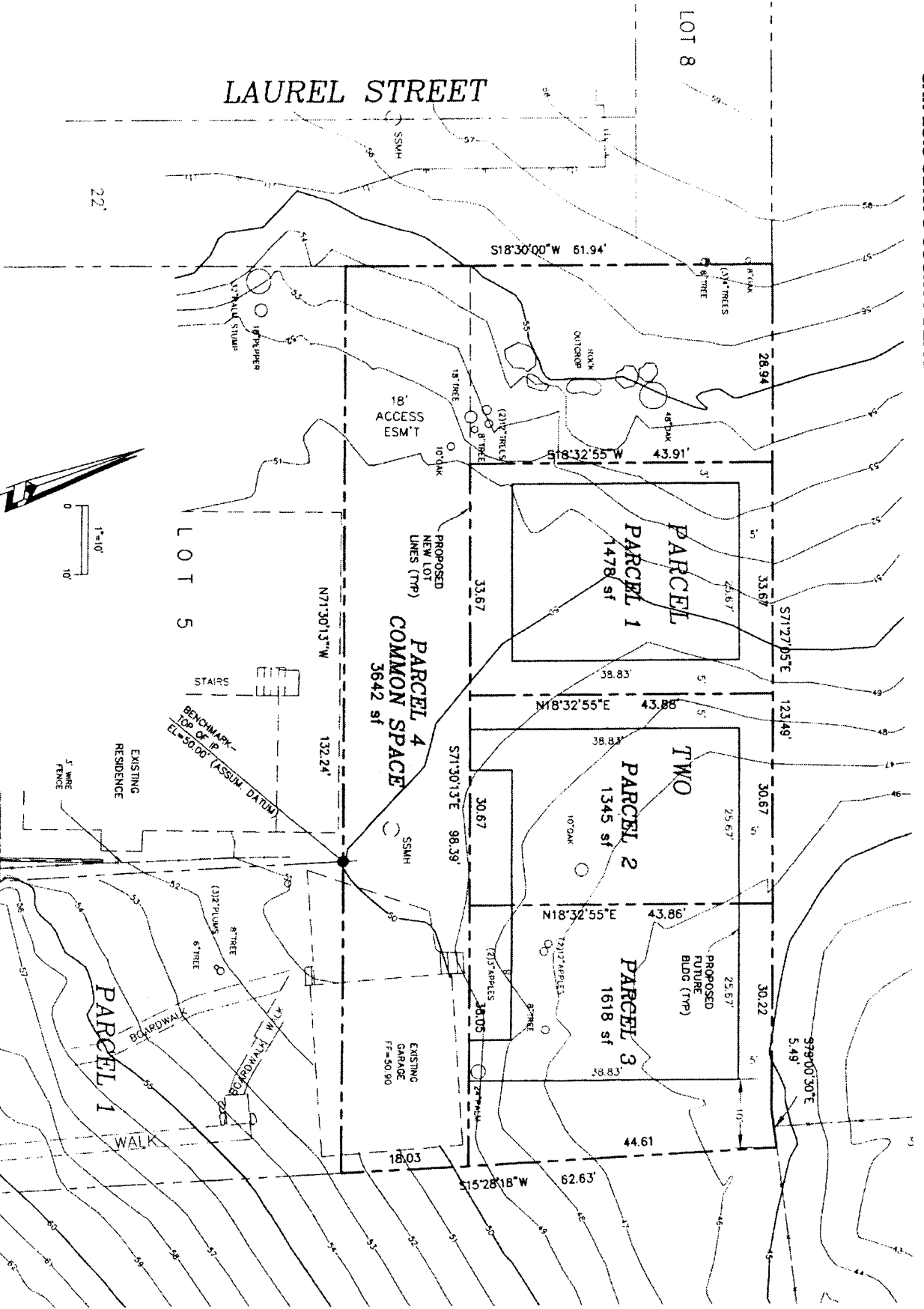
Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379



EXHIBIT

Aerial Photo

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PROJECT

Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379



EXHIBIT

Vesting Tentative Parcel Map

12-17

LAUREL STREET

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

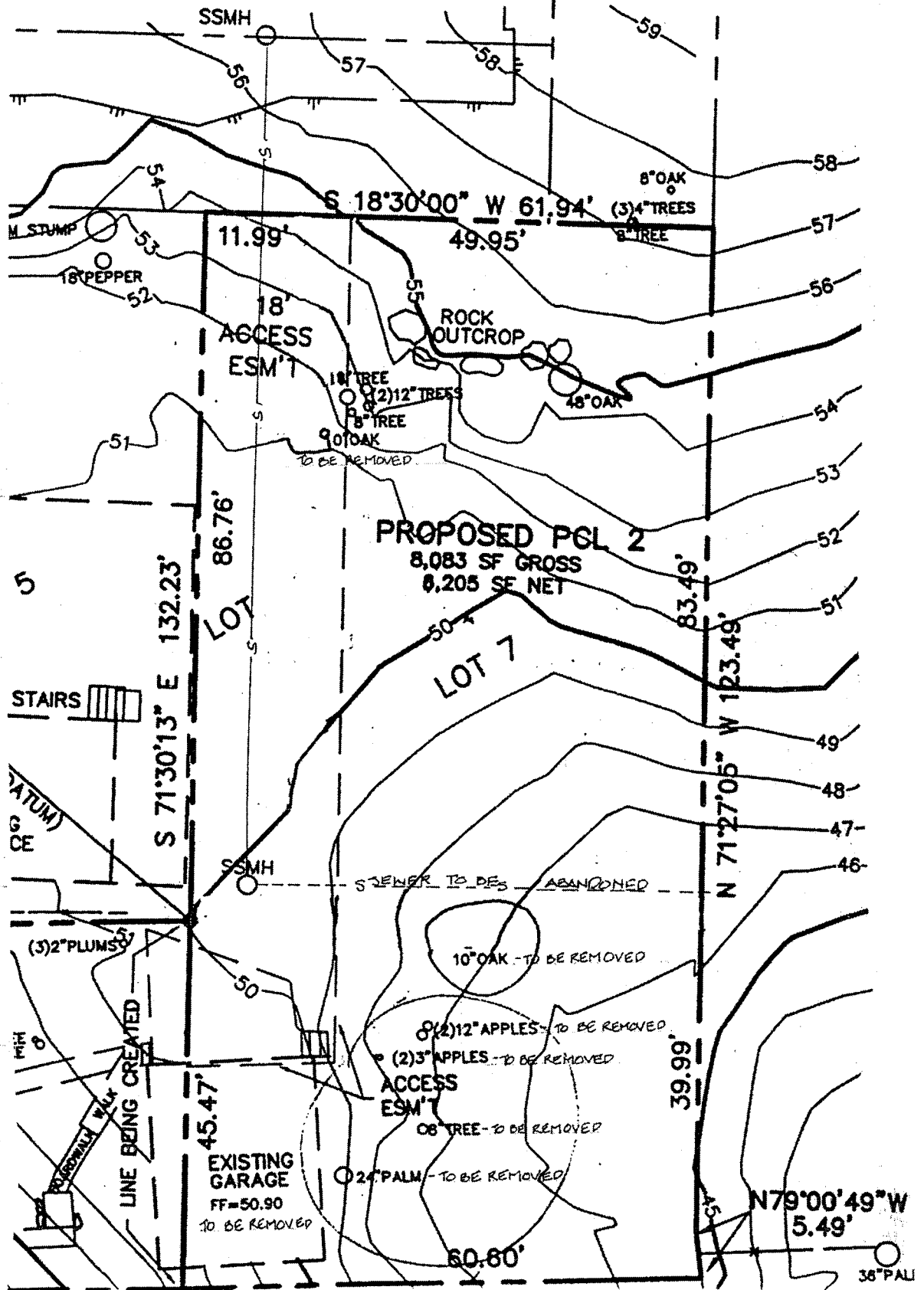
PROJECT

Parcel Map w/ Conditional Use Permit
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EXHIBIT

Existing Topography



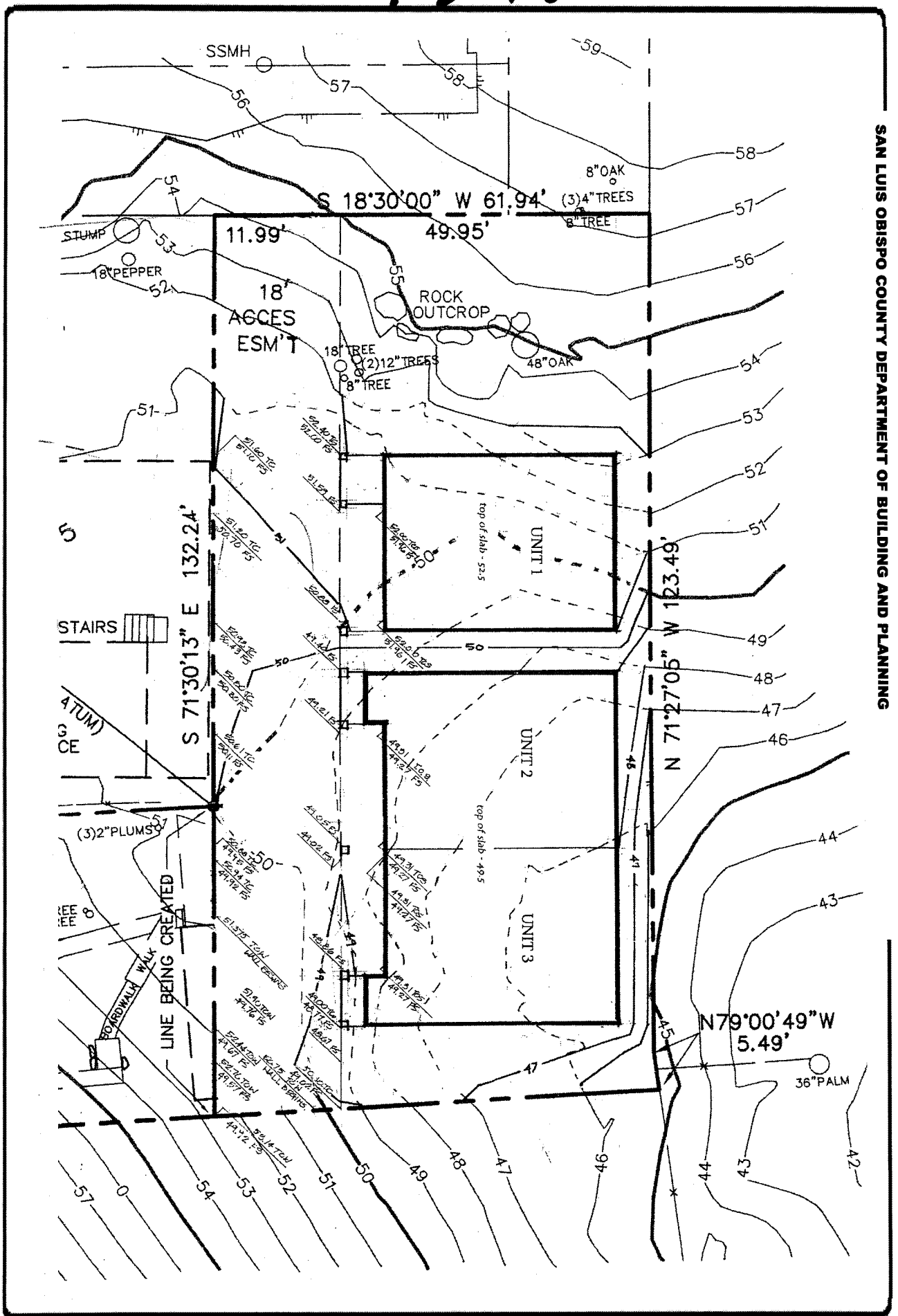
12-18

PROJECT

Parcel Map w/ Conditional Use Permit
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EXHIBIT

Grading & Drainage

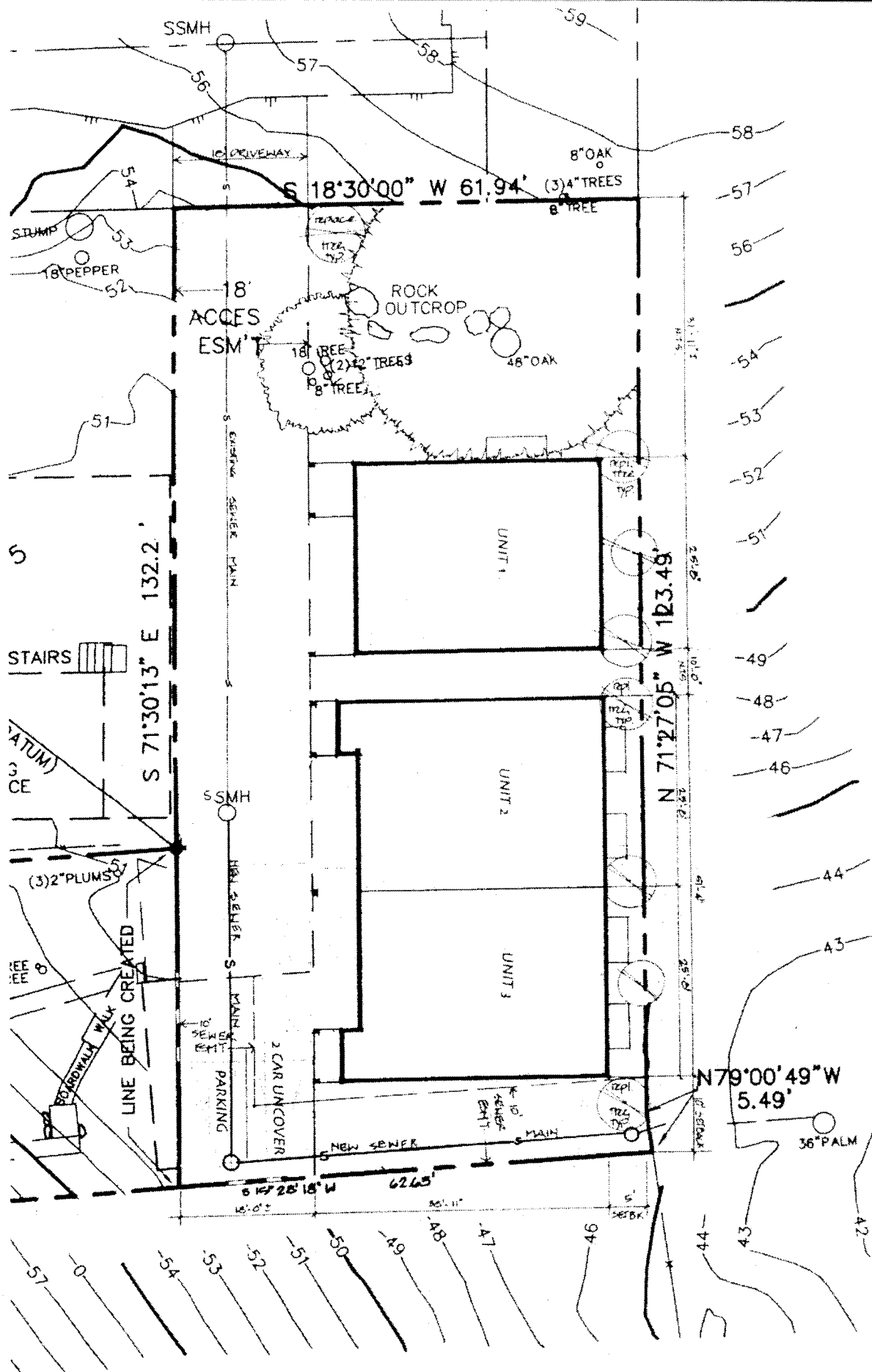


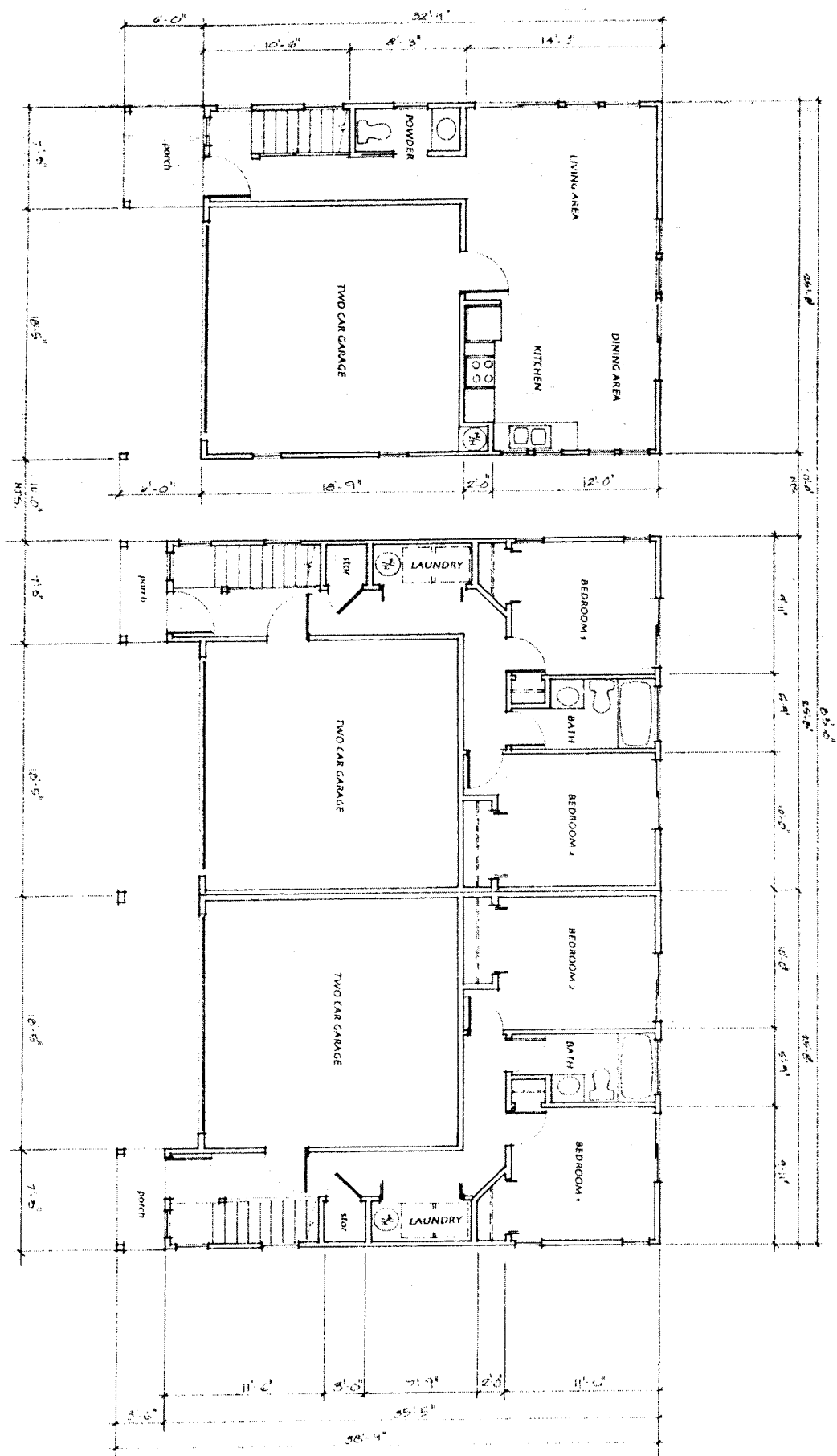
PROJECT
Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379



EXHIBIT

Site Plan





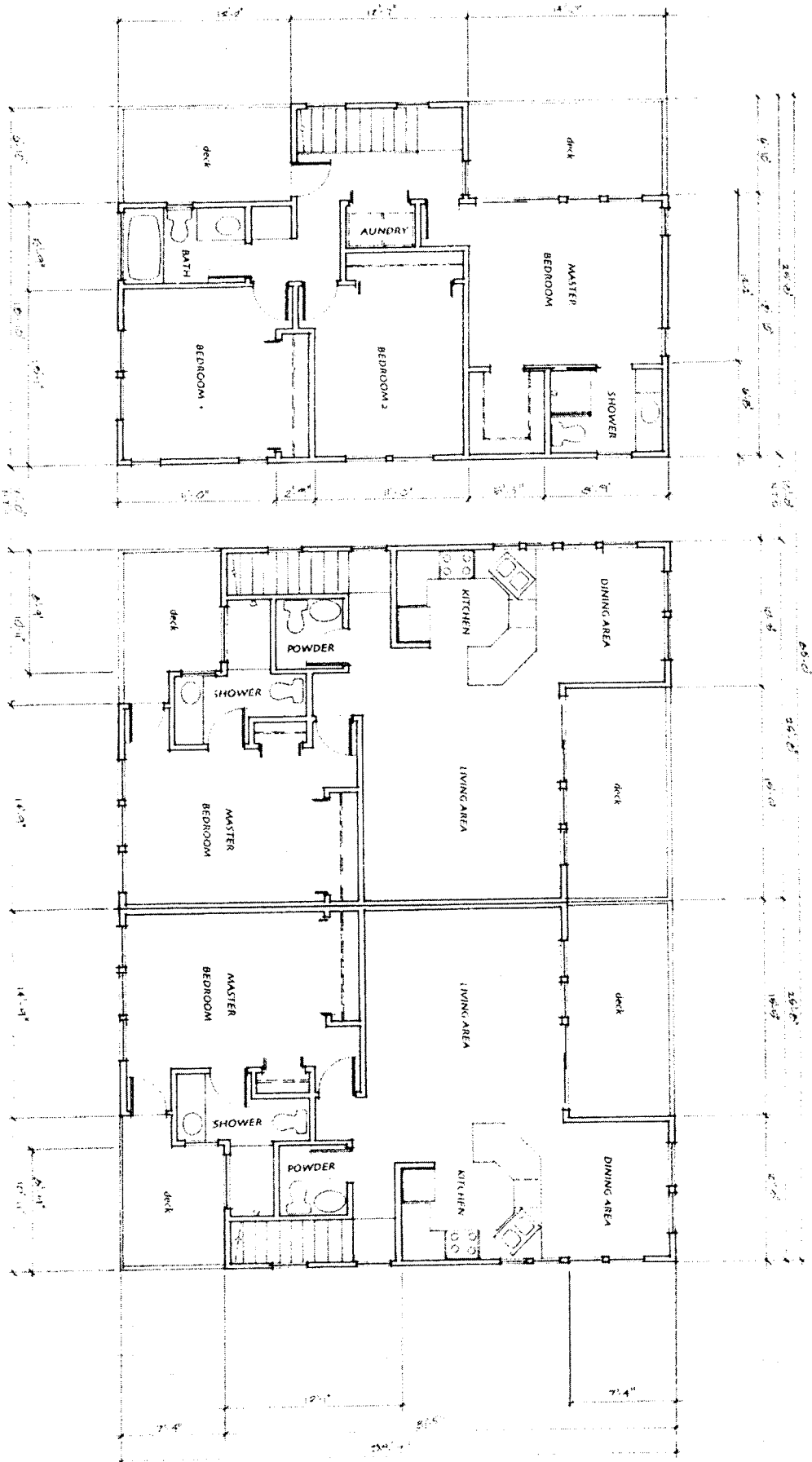
PROJECT

Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379

EXHIBIT

Lower Floor Plan

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PROJECT

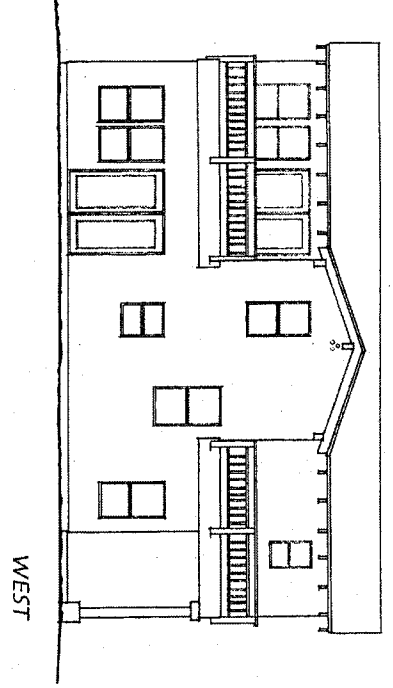
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Matakovich SUB2004-00379



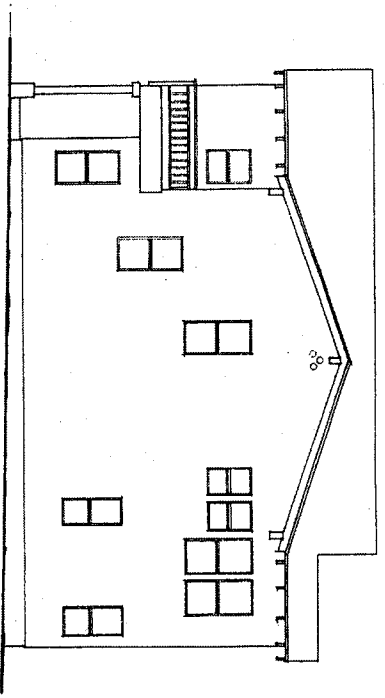
EXHIBIT

Upper Floor Plan

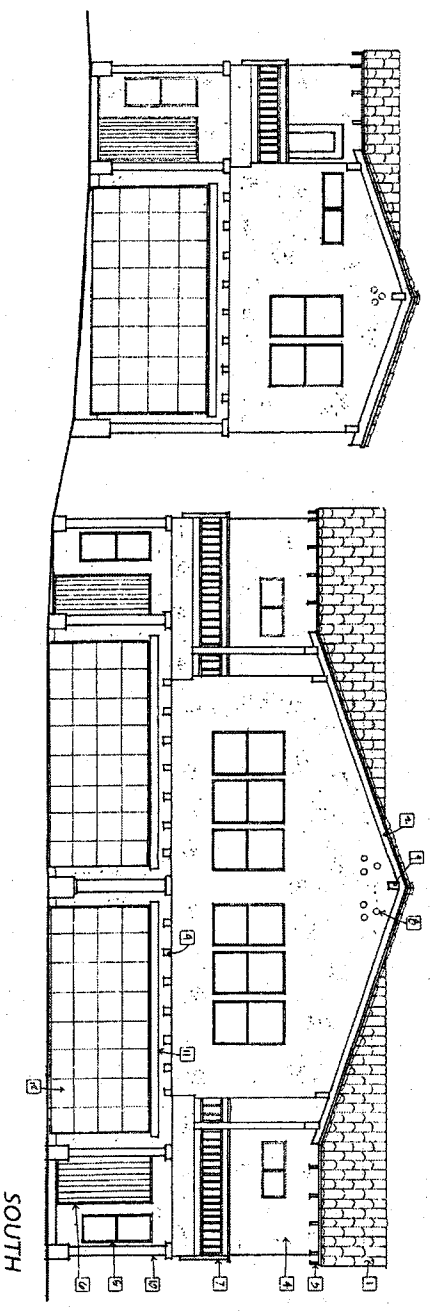
12-22



WEST



EAST



SOUTH

EXTERIOR ELEVATION KEYNOTES

- 1. Tile roofing
- 2. Wood fascia
- 3. Wood rafter tails
- 4. Cement plaster
- 5. Wood windows
- 6. Wood doors
- 7. Wood railing
- 8. Tile cable end vent
- 9. Wood detail
- 10. Heavy wood posts
- 11. Wood fence detail
- 12. Wood Overhead door

PROJECT

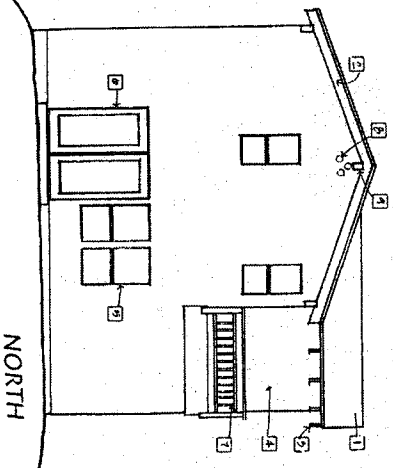
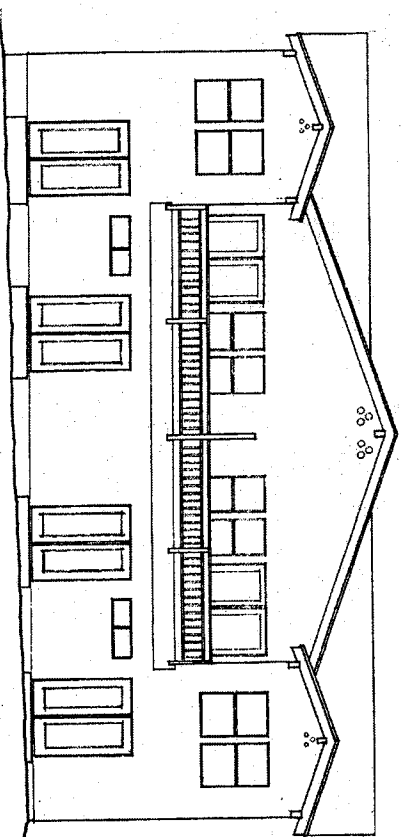
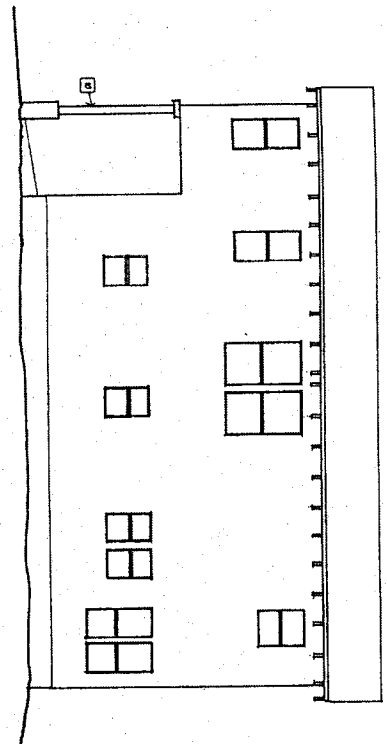
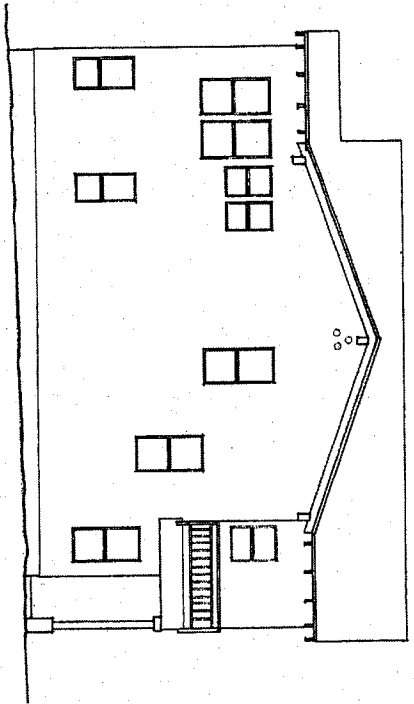
Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379



EXHIBIT

Elevations (1 of 2)

12-23



NORTH

EXTENSION ELEVATION KEYNOTES

1. Tile roofing
2. Wood fascia
3. Wood eave bails
4. Cement plaster
5. Wood windows
6. Wood doors
7. Wood siding
8. Tile Gable end vent
9. Wood detail
10. Heavy wood post

PROJECT

Parcel Map w/ Conditional Use Permit
Matakovich SUB2004-00379



EXHIBIT

Elevations (2 of 2)